



MIRANDA LONE KLARIN ERVENIOTIS LLP

MICHAEL A. MIRANDA*
STEVEN VERVENIOTIS
ONDINE SLONE
RICHARD S. SKLARIN°
MAURIZIO SAVOJARDO
KELLY M. ZIC
FRANK R. MALPIGLI°
ANDREW B. KAUFMAN±
LAWRENCE S. WASSERMAN

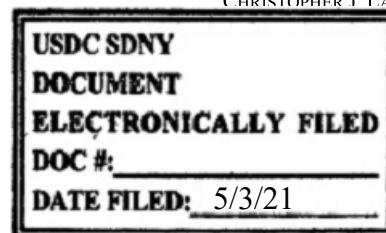
THE ESPOSITO BUILDING
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
TEL (516) 741-7676
FAX (516) 741-9060

WWW.MSSSV.COM

ANNE P. EDELMAN
GABRIELLA CAMPIGLIA
RICHARD B. EPSTEIN
ABRAHAM WARMBRAND
ALLYSON N. BROWN
MICHAEL A. BAYRON
MICHAEL HOFMANN
GALINA STILER°
LAURA ALTO
CHRISTOPHER J. LAMPERT*

SENIOR COUNSEL
LOUISE FASANO
NANCY R. SCHEMBRI°

BRANCH OFFICES:
WESTCHESTER, NY
NEW YORK, NY
CLARK, NJ



NEW JERSEY
NEW FLORIDA
COLUMBIA
STCHESTER

WRITER'S E-MAIL:
REPSTEIN@MSSSV.COM

April 30, 2021

VIA ECF

Honorable Barbara Moses
U.S. Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 12B
New York, New York 10007-1312

MEMO ENDORSED

Re: ***Rodolfo Tecocoatz-i-Ortiz et al. v Just Salad et. al.***
18-cv-07342(JGK)(BM)

Dear Magistrate Moses :

We represent the Defendants in the above matter. We write in accordance with Your Honor's Individual Rules to advise the Court of a potential discovery dispute in advance of the discovery deadline of May 1, 2021. The parties have now completed depositions. Fifteen (15) of the plaintiffs appeared for depositions, however, plaintiffs did not produce Anthony Peter Rosario, despite his deposition being duly noticed. We will to dismiss his claims as part of our planned motion for summary judgment.

Further, Defendants made certain discovery requests based on the testimony of the plaintiffs. Specifically, Defendants demanded

- All pay stubs received from any of the defendants.
- All cancelled checks and/or void checks received from any of the defendants.
- All other documents received from any of the defendants.
- All translations of the affidavits executed by plaintiffs in support of plaintiffs' motion for conditional certification.
- All documents shown to plaintiffs in preparation for their depositions. To the extent said documents have previously been produced, identify which documents were shown to the plaintiffs in preparation for the deposition.

Honorable Barbara Moses

APRIL 30, 2021

PAGE 2 OF 2

- All tax returns for the period during which each plaintiff worked for Just Salad.

Plaintiffs' counsel has advised that they do not believe the plaintiffs possess responsive documents. However, Defendants believe this statement to be at odds with the testimony of certain plaintiffs. Earlier today, the undersigned spoke with Aaron B. Schweitzer in an attempt to resolve the matter. Mr. Schweitzer agreed to discuss the matter further with the plaintiffs to determine whether responsive documents exist and the parties will discuss the matter again next week.

Thus, we are hopeful that this dispute will be resolved amicably. However, given that the discovery deadline is tomorrow, we wished to alert the Court and preserve the potential dispute at this time.

We thank the Court for its consideration of this matter.

Very truly yours,

MIRANDA SLONE SKLARIN VERVENIOTIS LLP

s/Richard B. Epstein

Richard B. Epstein

cc: All Counsel (via ECF)

If the defendants require judicial resolution of the disputes outlined in their letter, they must file a letter-application in accordance with Fed. R. Civ. P. 37(a)(1), Local Civil Rule 37.2, and Moses Ind. Prac. § 2(b) no later than **May 10, 2021**. SO ORDERED.



Barbara Moses, U.S.M.J.

May 3, 2021